

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

MARGARET ELLEN KIRBY,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01221

NANCY A. BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

**ORDER**

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On May 24, 2019, Magistrate Judge Eifert submitted her Proposed Findings & Recommendations [ECF No. 13] (“PF&R”) and recommended that the court deny the plaintiff’s request for judgment on the pleadings [ECF No. 10], grant the defendant’s request for judgment on the pleadings [ECF No. 11], affirm the final decision of the Commissioner, and dismiss this matter from the docket. Neither party timely filed objections to the PF&R nor sought an extension of time.

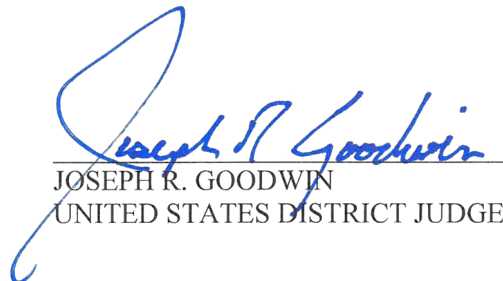
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de

novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DENIES** the plaintiff's request for judgment on the pleadings [ECF No. 10], **GRANTS** the defendant's request for judgment on the pleadings [ECF No. 11], **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this matter from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 14, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE